

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

THOMSON REUTERS ENTERPRISE)	
CENTRE GMBH and WEST PUBLISHING)	
CORPORATION,)	
)	C.A. No. 20-613-SB
Plaintiffs/Counterdefendants,)	
)	JURY TRIAL DEMANDED
v.)	
)	PUBLIC VERSION
ROSS INTELLIGENCE INC.,)	
)	
Defendant/Counterclaimant.)	

**DECLARATION OF MATTHEW J. MCBURNEY IN SUPPORT OF
ROSS INTELLIGENCE, INC.'S (1) OPPOSITION TO COUNTERDEFENDANTS'
MOTION TO EXCLUDE DR. ALAN COX AND MOTION FOR SUMMARY
JUDGMENT ON ROSS'S ANTITRUST COUNTERCLAIMS (NO. 5) – COMCAST AND
(2) OPPOSITION TO COUNTERDEFENDANTS' MOTION (NO. 6) TO EXCLUDE DR.
JAMES RATLIFF AND DR. GILLIAN HADFIELD**

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Dated: September 28, 2023

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JAMES RATLIFF AND DR. GILLIAN HADFIELD**

I, Matthew J. McBurney, declare as follows:

1. I am a Senior Counsel at Crowell & Moring, LLP, lead counsel of record for ROSS Intelligence, Inc. I am an attorney admitted to the Rhode Island and District of Columbia Bars and have been admitted *pro hac vice* with this Court. I submit this Declaration in support of Defendant and Counterclaimant ROSS Intelligence, Inc.'s ("ROSS") (1) Opposition to Counterdefendants' Motion to Exclude Dr. Alan Cox and Motion for Summary Judgment on ROSS's Antitrust Counterclaims (No. 5) – *Comcast* and (2) Opposition to Counterdefendants' Motion (No. 6) to Exclude Dr. James Ratliff and Dr. Gillian Hadfield.

2. A true and correct copy of the Expert Report of Alan J. Cox, Ph.D. (June 1, 2023) is attached to this declaration as **Exhibit 1**.

3. A true and correct copy of the Report of Defendant/Counterclaimant's Expert James D. Ratliff, Ph.D. (May 31, 2023) is attached to this declaration as **Exhibit 2**.

4. A true and correct copy of excerpts from the transcript of the deposition of Mark Hoffman on April 25, 2023, is attached to this declaration as **Exhibit 3**.

5. A true and correct copy of Thomson Reuters' General Terms and Conditions, last modified in September 2023, is attached to this declaration as **Exhibit 4**.

6. A true and correct copy of excerpts from the transcript of the deposition of Mihran A. Yenikomshian on August 2, 2023, is attached to this declaration as **Exhibit 5**.

7. A true and correct copy of excerpts from the transcript of the deposition of Alan J. Cox on August 9, 2023, is attached to this declaration as **Exhibit 6**.

8. A true and correct copy of the Expert Reply Report of Alan J. Cox, Ph.D. (July 20, 2023) is attached to this declaration as **Exhibit 7**.

9. A true and correct copy of excerpts from the transcript of the deposition of Christopher Cahn on May 12, 2022, is attached to this declaration as **Exhibit 8**.

10. A true and correct copy of excerpts from the transcript of the deposition of Barbara Frederiksen-Cross on November 11, 2022, is attached to this declaration as **Exhibit 9**.

11. A true and correct copy of the document entitled [REDACTED], TR-0045731 (September 14, 2017) is attached to this declaration as **Exhibit 10**.

12. A true and correct copy of excerpts from the transcript of the deposition of Tariq Hafeez on May 26, 2022 is attached to this declaration as **Exhibit 11**.

13. A true and correct copy of excerpts from the transcript of the deposition of Jimoh Ovbiagele on April 12, 2022, is attached to this declaration as **Exhibit 12**.

14. A true and correct copy of the Report of Defendant/Counterclaimant's Expert Gillian K. Hadfield, J.D., Ph.D. (May 31, 2023) is attached to this declaration as **Exhibit 13**.

15. A true and correct copy of excerpts from the transcript of the deposition of Gillian Hadfield on August 9, 2023, is attached to this declaration as **Exhibit 14**.

16. A true and correct copy of excerpts from the transcript of the deposition of James Ratliff on July 28, 2023, is attached to this declaration as **Exhibit 15**.

17. A true and correct copy of the document entitled [REDACTED], TRCC-03568132 (August 2016) is attached to this declaration as **Exhibit 16**.

18. A true and correct copy of the document entitled [REDACTED], TRCC-02670399 (July 16, 2014) is attached to this declaration as **Exhibit 17**.

19. A true and correct copy of U.S. Department of Justice and the Federal Trade Commission's Horizontal Merger Guidelines (August 19, 2010) is attached to this declaration as **Exhibit 18**.

20. A true and correct copy of excerpts from the transcript of the deposition of Chad Syverson on August 2, 2023, is attached to this declaration as **Exhibit 19**.

21. A true and correct copy of excerpts from Phillip E. Areeda and Herbert J. Hovenkamp's *Antitrust Law: An Analysis of Antitrust Principles and Their Application* (September 2023) is attached to this declaration as **Exhibit 20**.

22. A true and correct copy of the Reply Report of Defendant/Counterclaimant's Expert James D. Ratliff, Ph.D. (July 20, 2023) is attached to this declaration as **Exhibit 21**.

23. A true and correct copy of a document entitled [REDACTED], TRCC-00195919 (November 10, 2022) is attached to this declaration as **Exhibit 22**.

24. A true and correct copy of the document entitled [REDACTED] TRCC-01319339 (November 24, 2020) is attached to this declaration as **Exhibit 23**.
25. A true and correct copy of the article entitled “Thomson Reuters to Acquire Legal AI Firm Casetext for \$650 Million” (June 27, 2023) is attached to this declaration as **Exhibit 24**.
26. A true and correct copy of the document entitled [REDACTED], TRCC-01020239 (June 17, 2022) is attached to this declaration as **Exhibit 25**.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed at Providence, RI on September 28, 2023.

/s/ Matthew McBurney
Matthew McBurney

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